



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Banerjee *et al.*
Serial No.: 09/887,496
Confirmation No.: 7707
Filed: June 22, 2001
For: FORMOTEROL/STEROID
BRONCHODILATING COMPOSITIONS
AND METHODS OF USE THEREOF
Art Unit: 1617
Examiner: Bahar, M.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number
EL870636538US
Date of Deposit January 31, 2002

I hereby certify that this paper is being deposited
with the United States Postal "Express Mail Post
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Commissioner for Patents, Washington, D.C.
20231

Kelly Fischer
Kelly Fischer

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ELECTION AND PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Restriction Requirement, mailed January 7, 2002,
applicant elects, with traverse, Group I, claims 1-83, 87-89, 99-112 and 117-
119, directed to a pharmaceutical composition, kit and an article of manufacture
containing formoterol, or a derivative thereof, and a steroidal anti-inflammatory
agent. Applicant further elects, without traverse, the species composition
containing (i) formoterol and (ii) fluticasone or fluticasone propionate. Claims 1-
64, 69-83, 87-89, 99-112 and 117-119 read on the elected species.

IN THE CLAIMS:

Please cancel claims 84-86, 90-92 and 94-98 without prejudice or
disclaimer.

REMARKS

Any fees that may be due in connection with this application may be
charged to Deposit Account No. 50-1213. If a Petition for extension of time is
needed, this paper is to be considered such Petition.



02-04-02

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an Election and Preliminary Amendment
responsive to the Restriction Requirement, mailed January 7, 2002, for filing in
connection with the above-identified application.

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted
herewith if the attached check(s) is in the wrong amount or otherwise improper or
missing, that may be due in connection with this and the attached papers, or with this
application during its entire pendency to or to credit any overpayment to Deposit Account
No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By:

Dale L. Rieger
Dale L. Rieger
Registration No. 43,045

Atty Docket No. 18025-1014
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